PATENT COOPERATION TREATY

PCT

TRANSLATION INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 15460				FOR FURTHER AC	CTION	See Form PCT/IPEA/416					
International application No.				International filing date	e (day/month/year)	Priority date (day/month/year)					
PCT/EP2004/013235				22.11.2004		20.11.2003					
Internat	ional Pa										
A63B21/055											
Applicant COOPER											
COLTENE/WHALEDENT GMBH & CO. KG											
1.	1. This report is the international preliminary examination report, established by this International Preliminary Examining Authorit under Article 35 and transmitted to the applicant according to Article 36.										
2.	This R	REPORT co	onsists of a total of	_5	5 sheets, including this cover sheet.						
3.	This re	eport is also	o accompanied by	ANNEXES, comprising:							
	a. 🕨	(sent	to the applicant an	nd to the International Bur	eau) a total of 2	sheets, as follows:					
	sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).										
			· · · · · · · · · · · · · · · · · · ·	rsede earlier sheets, but w	hich this Authority cor	nsiders contain an amendment that goes beyond					
			the disclosure in t Box.	he international application	on as filed, as indicated	in item 4 of Box No. I and the Supplemental					
	ь. Г	_		d Rureau only) a total of (i	ndicate type and number	er of electronic carrier(s))					
	b. (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s))										
	, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see										
Section 802 of the Administrative Instructions).											
4.	This re	eport conta	ins indications rela	ting to the following items	s:						
	\boxtimes	Box No.	I Basis of tl	ne report							
	Ш	Box No.	II Priority								
		Box No.	III Non-estab	lishment of opinion with r	hment of opinion with regard to novelty, inventive step and industrial applicability y of invention						
		Box No.	IV Lack of u	nity of invention							
	\boxtimes	Box No.	*	statement under Article 35 and explanations supportin		elty, inventive step or industrial applicability;					
		Box No.	VI Certain do	ocuments cited							
		Box No.	VII Certain de	efects in the international a	pplication						
	Box No. VIII Certain observations on the international application										
Date of submission of the demand			1	Date of completion of th	nis report						
					-						
Name and mailing address of the IPEA/EP					Authorized officer						
Facsimile No.					Геlephone No.						

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/013235

Box	No. I	I Basis of the report							
1.		th regard to the language, this report is based on the internation icated under this item.	nal application in the language in	which it was filed, unless otherwise					
		This report is based on translations from the original language which is the language of a translation furnished for the purposition international search (Rule 12.3 and 23.1(b)) publication of the international application (Rule 12.4)	sses of:	· · · · · · · · · · · · · · · · · · ·					
	******	international preliminary examination (Rule 55.2 and/o							
2.	rece	With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report): the international application as originally filed/furnished							
		the description:							
		pages 1-11 pages*		as originally filed/furnished					
		pages*		_					
	\boxtimes	the claims:							
		nos.		as originally filed/furnished					
		nos.*	as amended (together	r with any statement) under Article 19					
		nos.* _ 1-8	received by this Authority on	28.11.2005 with letter of 28.11.2005					
		nos.*	received by this Authority on						
	\boxtimes	the drawings:							
		sheets 1/1		as originally filed/furnished					
		sheets*	•						
	$\overline{}$	sheets*	received by this Authority on						
	님	a sequence listing and/or any related table(s) – see Suppleme	ental Box Relating to Sequence L	isting.					
3.	Ш	The amendments have resulted in the cancellation of:							
		the description, pages							
		the claims, nos.	the claims, nos.						
4		any table(s) related to sequence listing (specify): This report has been established as if (some of) the amenda	ments approved to this report and						
4.	Ш	they have been considered to go beyond the disclosure as fil-							
		the description, pages							
		the claims, nos.							
		the sequence listing (specify):							
		any table(s) related to sequence listing (specify):							
*	If ite	tem 4 applies, some or all of those sheets may be marked "supe	rseded."						

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International application No.
PCT/EP2004/013235

Box No. V		citations and explanations supporting such statement					
1.	Statement						
	Novelty (N)		Claims 2, 3, 5, 8				
			Claims 1	, 4, 6, 7	NO		
	Inventi	ve step (IS)	CI.		V EC		
	Industrial applicability (IA)			-8			
				-8			
2.	Citations and explanations (Rule 70.7)						
	1.	This repo	rt make	s reference to the following			
		documents	:				
	D1:	US-A-5 31	6 533 (HOKER ET AL), 31 May 1994 (1994-			
		05-31)					
	D2:	US-B1-6 1	79 751	(CLEARS WELDON R), 30 January 2001			
		(2001-01-	30)				
	D3:	03: US-A-5 945 060 (WILLIAMS ET AL), 31 August 1999					
		(1999-08-	31)				
	2. INDEPENDENT CLAIM 1		м 1				
	The prese		nt appl	ication does not meet the			
	requireme		nts of	PCT Article 33(1) because the			
		subject m	atter o	f claim 1 is not novel (PCT			
	Article 33(2)).						
		Document	D1 disc	loses (the references in			
		parenthes	es are '	to that document):			
		-					
		an exerci	sing ba	nd (see D1, figure 1) for			
			_	scles, ligaments and tendons of			
		_	_	stem, and including at least one			
		2110 100011	CCCT DY	John, and indiading at reade one			

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

thermoplastic elastomeric material (see D1, column 4, line 54: "Spandex "; the literature indicates that Spandex (TM) is a thermoplastic elastomeric material) and another material different from the thermoplastic elastomeric material (see D1, column 4, line 50), the materials forming different layers (see D1, figure 3).

The subject matter of claim 1 is therefore not novel (PCT Article 33(2)).

3. INDEPENDENT CLAIM 2

The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 2 does not involve an inventive step (PCT Article 33(3)).

Document D3 is considered to constitute the prior art closest to the subject matter of claim 2 and discloses (the references in parentheses are to that document):

an exercising band (12) for strengthening the muscles, ligaments and tendons of the locomotor system, and including at least one thermoplastic elastomeric material (see D3, column 5; figures 4 and 5), depressions being formed in at least one side of the band in its longitudinal direction (see D3, column 7, lines 49-54).

The subject matter of claim 2 therefore differs

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

from the known exercising band in that the depressions are shaped as grooves.

However, it is generally known to a person skilled in the art that the "grooves" constitute a feature which is equivalent to the "dimples" (dimples: D3, column 7, line 25) or to the "textured surface" (surface is textured: D3, column 7, line 15) known from document D3, and can replace these features whenever necessary.

The solution proposed in claim 2 of the present application therefore cannot be considered inventive (PCT Article 33(3)).

The subject matter of claim 2 therefore does not involve an inventive step (PCT Article 33(3)).

4. DEPENDENT CLAIMS 3-8

Dependent claims 3-8 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT novelty and inventive step requirements; see documents D1, D2 and D3, and the corresponding text passages indicated in the search report.